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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/362,715	07/29/1999	KAZUHIKO YUKAWA	024060-110	7213

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EXAMINER
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VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/362,715

Applicant(s)

YUKAWA ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION III**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 2, 2004 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 5, 14, and 16 have been considered but are moot in view of the new ground(s) of rejection. Please see the new grounds of rejection presented below.

3. Regarding claim 16, applicant argues that Toyofuku fails to disclose that the step of determining whether display of a captured image is requested is not performed when power supply to the camera is started. However, as disclosed in column 15, lines 24 and 25, operation of the camera begins when a battery is loaded. Therefore, the camera can only determine whether the LCD switch is activated or not when power supply to the camera is started. In other words, power supply to the camera has to have been started in order for the controller (66) to determine whether or not a display request has been received. This more broad interpretation has been presented in the rejection below.

*Drawings*

4. The drawings are objected to because in Figure 7, step number #60 includes a typographical error. More specifically, #60 includes the phrase "LCD switch". It appears that the correct phrase should be – LCD switch –.
5. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Regarding **claim 8**, applicant appears to have conflicting matter with claim 7, from which claim 8 depends. More specifically, claim 7 discloses that the display is driven before the lens is driven. However, in claim 8, applicant discloses that the lens is driven and then the display is driven. Since claim 8 is dependent upon claim 7, the applicant would have to disclose in the specification that the display is driven before the lens is driven **and** (not or) that the display is driven after the lens is driven. Since there is no disclose of driving the display before **and** after the lens is driven, the claim is unclear.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kaneda (U.S. Patent No. 6,184,931).**

11. Regarding ***claim 1***, Kaneda discloses an image pickup device with focusing control, which includes a lens (1), an image sensor (3), and a logic control circuit (15) for controlling the

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positioning of the lens. Additionally, Kaneda discloses that the output of the image sensor is sent to a monitor (col. 3, line 34). As disclosed in column 5, line 48 to column 6, line 43, Kaneda discloses that the lens (1) is driven to an in-focus position when power supply to the camera is turned on (i.e. started). The lens is driven to a specific in-focus position upon powerup. When the lens is moved to the in-focus, it would inherently be in focus for distant to close-range views. The phrase "distant to close-range views" is very vague. When the lens is driven to the initial position, something inherently would be at an in-focus position for "distant to close-range views".

**12. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Toyofuku (U.S. Patent No. 6,166,765).**

13. Regarding *claim 16*, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25. The controller (66) inherently controls the operation of the lens since it controls the operation of the entire camera (col. 3, line 30). More specifically, as shown in Figure 24, in step S18, it is determined whether display by the display monitor (57) is requested. If display is requested then the lens is driven to the pan focus

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position (S19), and then the display monitor displays the image (S22). Furthermore, as disclosed in column 15, lines 24 and 25, operation of the camera begins when a battery is loaded.

Therefore, the camera can only determine whether the LCD switch is activated or not when power supply to the camera is started. In other words, power supply to the camera has to be started in order for the controller (66) to determine whether or not a display request has been received.

*Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneda (U.S. Patent No. 6,184,931) in view of Swayze (U.S. Patent No. 6,519,003).**

16. As for *claim 2*, as mentioned above in the discussion of claim 1, Kaneda discloses all of the limitations of the parent claim. However, Kaneda fails to specifically disclose that the display is driven after the driving of the lens. Swayze, on the other hand, discloses that it is well known to enable a user to select when to drive the display of a camera. More specifically, Swayze discloses a display button (136) for turning on a display (60). This would inherently cause the display to be driven. This feature allows a user to select his or her picture taking preferences, while also allowing the user to conserve power. When used in conjunction with

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Kaneda, one of ordinary skill in the art would have found it obvious to include a switch in the camera of Kaneda in order to allow a user to select when to use the display.

17. **Claim 5, 7, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneda (U.S. Patent No. 6,184,931) in view of Mogi (U.S. Patent No. 5,751,351).**

18. With regard to *claim 5*, Kaneda discloses an image pickup device with focusing control, which includes a lens (1), an image sensor (3), and a logic control circuit (15) for controlling the positioning of the lens. Additionally, Kaneda discloses that the output of the image sensor is sent to a monitor (col. 3, line 34). As disclosed in column 5, line 48 to column 6, line 43, Kaneda discloses that the lens (1) is driven to an in-focus position when power supply to the camera is turned on (i.e. started). The lens is driven to a specific in-focus position upon powerup. When the lens is moved to the in-focus, it would inherently be in focus for distant to close-range views. The phrase “distant to close-range views” is very vague. When the lens is driven to the initial position, something/anything inherently would be at an in-focus position for “distant to close-range views”.

Kaneda, however, fails to specifically disclose that the image is displayed after the driving of the lens. Mogi, on the other hand, discloses that it is well known in the art to hold off on the display of an image until after the driving of a lens is completed. More specifically, Mogi discloses that when power is turned on, a display (123) is faded so that the image is not displayed while the lens is moving the pre-defined position. This feature enables a camera to refrain from displaying a blurred or distorted image, upon startup. In this manner the lens is moved to an in-focus condition before display by the display device. See column 7, lines 8-64. Therefore, it



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would have been obvious to one of ordinary skill in the art at the time the invention was made to drive the display after the driving of the lens so that a blurred image is not displayed.

19. Regarding *claim 7*, Mogi discloses that a display is faded when a lens is moved to a predetermined location. Upon power up, power is supplied to each part of the camera, which would include the monitor. Therefore, the display would be driven upon powerup and before the driving of the lens.

20. As for *claim 14*, Kaneda discloses an image pickup device with focusing control, which includes a lens (1), an image sensor (3), and a logic control circuit (15) for controlling the positioning of the lens. Additionally, Kaneda discloses that the output of the image sensor is sent to a monitor (col. 3, line 34). As disclosed in column 5, line 48 to column 6, line 43, Kaneda discloses that the lens (1) is driven to an in-focus position when power supply to the camera is turned on (i.e. started). The lens is driven to a specific in-focus position upon powerup. When the lens is moved to the in-focus, it would inherently be in focus for distant to close-range views. The phrase “distant to close-range views” is very vague. When the lens is driven to the initial position, something/anything inherently would be at an in-focus position for “distant to close-range views”.

Kaneda, however, fails to specifically disclose that the image is displayed after the driving of the lens. Mogi, on the other hand, discloses that it is well known in the art to hold off on the display of an image until after the driving of a lens is completed. More specifically, Mogi discloses that when power is turned on, a display (123) is faded so that the image is not displayed while the lens is moving the pre-defined position. This feature enables a camera to refrain from displaying a blurred or distorted image, upon startup. In this manner the lens is moved to an in-

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focus condition before display by the display device. See column 7, lines 8-64. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to drive the display after the driving of the lens so that a blurred image is not displayed.

21. With regard to *claim 13*, Kaneda discloses a lens (1) and an image sensor (3).

Additionally, as disclosed in column 5, line 48 to column 6, line 43, Kaneda discloses that the lens (1) is driven to an in-focus position when power supply to the camera is turned on (i.e. started). The lens is driven to a specific in-focus position upon powerup. When the lens is moved to the in-focus, it would inherently be in focus for distant to close-range views. The phrase "distant to close-range views" is very vague. When the lens is driven to the initial position, something/anything inherently would be at an in-focus position for "distant to close-range views".

22. As for *claim 15*, Mogi discloses that a display is faded when a lens is moved to a predetermined location. Upon power up, power is supplied to each part of the camera, which would include the monitor. Therefore, the display would be driven upon powerup and before the driving of the lens.

23. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneda (U.S. Patent No. 6,184,931) in view of Hamada et al. (U.S. Patent No. 5,819,120).**

24. Regarding *claim 3*, as mentioned above in the discussion of claim 1, Kaneda discloses all of the limitations of the parent claim. However, Kaneda fails to explicitly state that the taking lens is situated outside a normal shooting range when the camera is deactivated. Hamada discloses that it is well known in the art to use a retractable lens that upon startup drives a lens to

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a useable position. Although Hamada only discloses the use of a film camera, it would have been obvious to one of ordinary skill in the art to implement this type of arrangement in a digital camera. See column 3, lines 60-67. As shown in Figure 1 of Hamada, when the lens is in the retracted state, the lens is behind the wide end limit. This wide end corresponds to the limit of a normal shooting range. Therefore, the lens of Hamada is outside a normal shooting range when the camera is deactivated. This feature allows a lens to be stored within the body of a camera for storage purposes when not in use. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was to drive a lens to an in-focus position from a position outside a normal shooting range, so that the lens may be stored away when not in use.

**25. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneda (U.S. Patent No. 6,184,931) in view of Mogi (U.S. Patent No. 5,751,351) and further in view of Swayze (U.S. Patent No. 6,519,003).**

26. As for *claim 6*, as mentioned above in the discussion of claim 5, both Kaneda and Mogi disclose all of the limitations of the parent claim. However, Kaneda fails to specifically disclose that the display is driven after the driving of the lens. Swayze, on the other hand, discloses that it is well known to enable a user to select when to drive the display of a camera. More specifically, Swayze discloses a display button (136) for turning on a display (60). This would inherently cause the display to be driven. This feature allows a user to select his or her picture taking preferences, while also allowing the user to conserve power. When used in conjunction with Kaneda, one of ordinary skill in the art would have found it obvious to include a switch in the camera of Kaneda in order to allow a user to select when to use the display.

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27. Regarding *claim 9*, as mentioned above in the discussion of claim 5, both Kaneda and Mogi disclose all of the limitations of the parent claim. However, both Kaneda and Mogi fail to specifically disclose that the display device is started to drive by manually operating an operation member. Swayze, on the other hand, discloses that it is well known to enable a user to select when to drive the display of a camera. More specifically, Swayze discloses a display button (136) for turning on a display (60). This would inherently cause the display to be driven. This feature allows a user to select his or her picture taking preferences, while also allowing the user to conserve power. When used in conjunction with Kaneda, one of ordinary skill in the art would have found it obvious to include a switch in the camera of Kaneda in order to allow a user to select when to use the display.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460.

The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco

7/18/04



TUAN HO  
PRIMARY EXAMINER